

COPY**FILED**

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2012 AUG 17 PM 2:28

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

5 Attorneys for Plaintiff,
 6 MARIA TOMMASETTI

7
 8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA**

10
 11 MARIA TOMMASETTI

12 Plaintiff,

13 vs.

14 UNITED RECOVERY SERVICES,
 15 INC.; and DOES 1 to 10, inclusive,

16 Defendants.

17
 18 Case No. **CV12-7117** -
 19 *ODW*
 20 *(Ex)*

21 **COMPLAINT AND DEMAND FOR**
 22 **JURY TRIAL**

23 **(Unlawful Debt Collection Practices)**

24 **Demand Does Not Exceed \$10,000**

25
 26 **COMPLAINT AND DEMAND FOR JURY TRIAL**

27
 28 **I. INTRODUCTION**

29
 30 1. This is an action for actual and statutory damages brought by Plaintiff,
 31 Maria Tommasetti, an individual consumer, against Defendant, United Recovery
 32 Services, Inc., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
 33 1692 *et seq.* (hereinafter “FDCPA”) and Rosenthal Fair Debt Collection Practices
 34 Act, California Civil Code § 1788 *et seq.* (“RFDCPA”), which prohibits debt
 35 collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28
U.S.C. §§ 1331, 1337 and 1367. Declaratory relief is available pursuant to 28
U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the Defendant
transacts business here and Defendant's collection communications were received
by Plaintiff here.

III. PARTIES

3. Plaintiff, Maria Tommasetti, is a natural person with a permanent residence in, San Pedro, Los Angeles, California 90731. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3) and is a "debtor" as defined by Cal. Civ. Code § 1788.2(h).

4. Upon information and belief the Defendant, United Recovery Services, Inc., is a corporation engaged in the business of collecting debt in this state and in several other states, with its headquarters located at 101 Southeast Parkway Court, Suite 100, Franklin, Tennessee 37064. The principal purpose of Defendant is the collection of debts in this state and several other states, and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts

1 alleged to be due to another. Defendant is a “debt collector” as defined by the
2 FDCPA, 15 U.S.C. § 1692a(6), and RFDCPA, Cal. Civ. Code § 1788.2(c).

3 **IV. FACTUAL ALLEGATIONS**

4
5 6. The debt Defendant is attempting to collect on is an alleged obligation
6 of a consumer to pay money arising out of a transaction in which the money,
7 property, insurance or services which are the subject of the transaction are
8 primarily for personal, family, or household purposes, whether or not such
9 obligation has been reduced to judgment. As such, it qualifies as “debt,” as
10 defined by 15 U.S.C. § 1692a(5) and “consumer debt,” as defined by Cal. Civ.
11
12 Code § 1788.2(f).

14
15 7. Within one (1) year preceding the date of this Complaint, Defendant
16 has called Plaintiff several times in an attempt to collect on an alleged debt.

17
18 8. Defendant called Plaintiff’s cell phone number with such frequency
19 that Plaintiff changed her number to avoid such calls.

20
21 9. Defendant began calling Plaintiff’s landlord about once a week in
22 order to ascertain Plaintiff’s new phone number in an attempt to collect on the
23 alleged debt.

24
25 10. Upon information and belief, Defendant calls Plaintiff’s landlord
26 about once a week.
27
28

1 9. Upon information and belief, Plaintiff told her landlord to notify
2 Defendant that Plaintiff was being represented by Price Law Group and provide
3 the firm's contact information.
4

5 14. The natural consequences of Defendant's statements and actions were
6 to produce an unpleasant and/or hostile situation between Defendant and Plaintiff.
7

8 15. The natural consequences of Defendant's statements and actions were
9 to cause Plaintiff mental distress.
10

V. FIRST CLAIM FOR RELIEF

(Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.)

14 16. Plaintiff repeats and re-alleges and incorporates by reference to the
15 foregoing paragraphs.
16

17 17. Defendants violated the FDCPA. Defendants' violations include, but
18 are not limited to, the following:
19

20 (a) Defendant violated §1692b(3) of the FDCPA by calling Plaintiff's
21 landlord on several occasions in an attempt to collect the alleged debt;
22

23 (b) Defendant violated §1692d of the FDCPA by engaging in conduct the
24 natural consequences of which is to harass, oppress, or abuse any person in
25 connection with the collection of an alleged debt;
26

27 (c) Defendant violated §1692d(5) of the FDCPA by calling the Plaintiff
28 and thus causing her phone to ring repeatedly; and

(d) Defendant violated §1692d(6) of the FDCPA by calling the Plaintiff and hanging up before Defendant could identify himself on Plaintiff's voicemail.

VI. SECOND CLAIM FOR RELIEF

(Violation of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ.

Code § 1788 *et seq.*)

18. Plaintiff repeats and re-alleges and incorporates by reference to the foregoing paragraphs.

19. Defendants violated the RFDCPA. Defendants' violations include, but are not limited to, the following:

(a) Defendant violated *Cal. Civ. Code* §1788.11b of the RFDCPA by calling the Plaintiff from a blocked number and hanging up before Defendant could identify himself:

(b) Defendant violated *Cal. Civ. Code §1788.11d* of the RFDCPA by calling the Plaintiff and thus causing her phone to ring repeatedly:

(c) Defendant violated *Cal. Civ. Code §1788.11e* of the RFDCPA by calling the Plaintiff with such frequency as to be unreasonable, thus constituting a harassment:

(d) Defendant violated *Cal. Civ. Code §1788.17* of the RFDCPA by failing to comply with *§ 1692 et seq.* of the FDCPA, as noted above.

1 20. Defendant's acts as described above were done intentionally with the
2 purpose of coercing Plaintiff to pay the alleged debt.

3 21. As a result of the foregoing violations of the FDCPA and RFDCPA,
4 Defendant is liable to the Plaintiff, Maria Tommasetti, for declaratory judgment
5 that Defendant's conduct violated the FDCPA and RFDCPA, actual damages,
6 statutory damages, and costs and attorney fees.
7
8

9
10 **WHEREFORE**, Plaintiff respectfully requests that judgment be entered against
11 Defendant, United Recovery Services, Inc., for the following:
12

13 A. Declaratory judgment that Defendant's conduct violated the FDCPA
14 and RFDCPA;

16 B. Actual damages;

17 C. Statutory damages pursuant to 15 U.S.C. § 1692k and Cal. Civ. Code
18 § 1788.30;

20 D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k and
21 Cal. Civ. Code § 1788.30;

23 E. Awarding Plaintiff any pre-judgment and post-judgment interest as
24 may be allowed under the law.

25 F. For such other and further relief as the Court may deem just and
26 proper.
27
28

1 **VII. DEMAND FOR JURY TRIAL**
2

3 Please take notice that Plaintiff, Maria Tommasetti, demands trial by jury in
4 this action.
5

6 RESPECTFULLY SUBMITTED,
7 **PRICE LAW GROUP APC**
8

9 DATED: August 15, 2012

10 By:

11 
12 G. Thomas Martin, III
13 Attorney for Plaintiff
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Otis D. Wright II and the assigned discovery Magistrate Judge is Charles Eick.

The case number on all documents filed with the Court should read as follows:

CV12- 7117 ODW (Ex)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT
for the
Central District of California

MARIA TOMMASETTI

Plaintiff

v.

UNITED RECOVERY SERVICES, INC.; and DOES 1
to 10, inclusive,

Defendant

)
)
)
)
)
)
Civil Action No. CV 12-7117-ODW
(EA)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) UNITED RECOVERY SERVICES, INC.
101 Southeast Parkway Court, Suite 100
Franklin, Tennessee 37064

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: G. Thomas Martin, III, Esq. (SBN 218456)
PRICE LAW GROUP, APC
15760 Ventura Blvd., Suite 1100
Encino, CA 91436
T: (818) 907-2030; F: (866) 397-2030
tom@plglawfirm.com

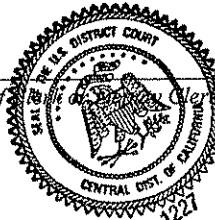
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: AUG 17 2012

MARILYN DAVIS

Signature of Clerk



UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

COPY

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) MARIA TOMMASETTI		DEFENDANTS UNITED RECOVERY SERVICES, INC.; and DOES 1 to 10, inclusive,				
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) G. Thomas Martin, III (SBN 218456) T: (818) 907-2030 PRICE LAW GROUP, APC 15760 Ventura Blvd., Suite 1100, Encino, CA 91436		Attorneys (If Known)				
II. BASIS OF JURISDICTION (Place an X in one box only.)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)				
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)		Citizen of This State <input type="checkbox"/> PTF <input type="checkbox"/> DEF	Incorporated or Principal Place of Business in this State <input type="checkbox"/> PTF <input type="checkbox"/> DEF			
<input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		Citizen of Another State <input type="checkbox"/> PTF <input type="checkbox"/> DEF	Incorporated and Principal Place of Business in Another State <input type="checkbox"/> PTF <input type="checkbox"/> DEF			
		Citizen or Subject of a Foreign Country <input type="checkbox"/> PTF <input type="checkbox"/> DEF	Foreign Nation <input type="checkbox"/> PTF <input type="checkbox"/> DEF			
IV. ORIGIN (Place an X in one box only.)						
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge						
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)						
CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ according to proof						
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Unlawful Debt Collection Practices						
VII. NATURE OF SUIT (Place an X in one box only.)						
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	TORTS PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
				BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
				CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWV (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				<input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV12-7117.

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- A. Arise from the same or closely related transactions, happenings, or events; or
 - B. Call for determination of the same or substantially related or similar questions of law and fact; or
 - C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 - D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: [*] Los Angeles	California County outside of this District; State, if other than California; or Foreign Country
--	---

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: [*] Tennessee	California County outside of this District; State, if other than California; or Foreign Country
--	---

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District: [*] Los Angeles	California County outside of this District; State, if other than California; or Foreign Country
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* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): J. Thomas McLean Date 08/15/2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))